43. A method of enabling a buyer to purchase an item over a communications network from a remote system, the method comprising the steps of:

selecting a hypertext link indicative of a desire to place an electronic purchase order;

in response to said step of selecting, verifying that the buyer conforms to a seller defined class of buyers and has sufficient credit to make the intended purchase; and

in further response to said step of selecting, transmitting electronically credit verification information and at least one purchase order to the seller.

44. (Amended) A method of purchasing an item over a communications network from a system that facilitates the selling of goods and services comprising the steps of:

defining a class of buyers;

defining a class of sellers;

prestoring credit information of a buyer, and

in response to selection of a hyperlink by a buyer indicating a purchase, matching said prestored information with said buyer to complete said purchase.

REMARKS

DRAWINGS:

The subject Office Action notes 37 CFR §1.173 with reference to applicant's request to transfer drawings from the file of issued No. 5,842,178, from which this reissue application is derived. In compliance with §1.173, a new set of formal drawings (9 drawing sheets) is enclosed herewith.

AFFIRMATION OF NON-ASSIGNMENT:

In response to the requirement of the Office Action, a statement by the applicant/owner of the entire interest is enclosed herewith to confirm that no assignment has been made. Thus, the applicant, Joseph Giovannoli, maintains full control over the prosecution of this reissue application.

SUPPLEMENTAL DECLARATION:

A Supplemental Declaration and Power of Attorney, conforming to the language suggested by the Examiner, is enclosed herewith. Therefore, the rejection under 35USC §251 is believed overcome.

§112 OBJECTION AND REJECTION:

The withdrawal of the objection to the specification and rejection of the specification under §112 is gratefully acknowledged.

PRIOR ART REJECTIONS:

The Office Action rejects claim 2 under 35 USC §102 for allegedly being anticipated by US Patent No. 5,832,459 to Cameron et al. Claim 1 was rejected under 35 USC §103(a) for being unpatentable over the '459 patent in view of US Patent No. 5,361,199 to Shoquist et al. Claims 3 – 6, 8 – 13, 15 and 18 – 44 were rejected under 35 USC §103(a) for being unpatentable over the '459 patent in view of Creating Cool Web Pages With HTML, Taylor, 1995. The Office Action further rejected claims 7, 14, 16 and 17 as unpatentable over the '459 patent in view of Ginsburg.

The amendment entered hereby inserts into all claims in the present application the requirement of providing "...a buyer defined class of sellers, and a seller defined class of buyers." This limitation, described in the application at page 8, lines 5 – 34, is in each independent claim and, by extension, in each dependent claim as well. Nowhere in the prior art is such a claim limitation found for providing two-directional definition of class for pre-selection (filtering) of opposite party.

Therefore, it is believed that all pending claims are now in condition for allowance, as further discussed below.

A first area in which the features of claim 2 distinguish over the Cameron teaching is in the use of a "centralized filter means." Such a feature is described in detail at page 8, lines 3 – 56, wherein a buyer provides filtering criteria to a centralized filter means (quotation network computer – lines 3 - 10) and vendors provide their countervailing criteria to the centralized filter means (lines 20 – 24). This submission of selective criteria to a "centralized filter means" by multiple parties is not taught in the Cameron reference. Cameron, by contrast, clearly states in column 1, lines 17 – 20: "The present invention relates to a computerized order entry system and method. The present invention is particularly useful in, but is not limited to, the telemarketing industry." In fact, Cameron does not provide a centralized filter means, but simply a filter (search engine) maintained by a catalog merchant for allowing a customer to locate an item in the catalog.

A second area of difference is the concept of "a plurality of sellers" in the present invention. The present invention, being useful in generalized commerce, is not confined by a catalog in which products and prices are displayed. The basic existence of a RGQ (Request For Quotation) speaks to commercial, not retail, transactions. A catalog seller, as provided by Cameron, has no "plurality of sellers" and does not "quote" a price to a seller, but presents a standard price. In addition, the seller in the Cameron disclosure does not define a "class of buyers," as is required in the present invention. Thus the amended claims are further distinguished as patentable.

The filtering process, in the present invention, is reciprocal. That is, buyers can determine to which vendors – by buyer-specified criteria – to communicate a RFQ, and the vendors can determine what sort or caliber of RFQ is acceptable (see page 6, lines 12 – 21). Cameron, however, merely allows the buyer to search for particular items in an established vendor e-catalog (see column 2, lines 57 – 61).

Additionally, the concept of "indicating items offered for sale to at least one class of buyers," as provided in claim 2, is deemed novel in comparison to the Cameron

reference. The definition of "at least one class of buyers" derives from the vendor-established criteria for the filter to "determine what sort or caliber of RFQ is acceptable." It is respectfully submitted that no disclosure or suggestion of a vendor selection is provided by Cameron.

Also, in regard to claim 2, the limitation of "using said centralized filter means to match buyer and seller supplied information" is absent from the Cameron disclosure. The Cameron Summary, cited in the Office Action, fails to describe any "seller supplied information

Of course, each of the arguments above indicate that Cameron does not include a claimed feature. The proof of non-existence is fundamentally elusive, so while a description of what Cameron does provide is possible, a description of what Cameron does not provide, without any statement in the reference of lack of a feature, rings hollow. It is, nonetheless, respectfully submitted that the basic disclosure of Cameron does not anticipate the present invention.

In asserting its Sec. 103 rejection, the subject Office Action cites the Shoquist patent at column 6, lines 50 – 59 and Fig. 10 as disclosing "filter means include[ing] means for determining which sellers should receive RFQs from a buyer. While it is recognized that Shoquist provides means for differentiating among sellers on a list by an established ranking, it is respectfully submitted that the present invention is distinct from Shoquist. In particular, the added claims language, supported in the specification as noted, give control to the buyer to define characteristics of a seller and to the seller the control to define characteristics of a buyer. Shoquist, in contrast, supplies characteristics "such as quality and delivery...each given a numerical value." The present invention, as stated in the amended claims, allows the parties, according to their own needs, to define characteristics of the party with whom to interact. By way of example, and without serving to limit the options, a buyer may prefer to purchase from a seller who has been certified by an organization to conformity to its code, or a seller who is or is not subsidized by public funding, etc. It is submitted that the broad scope of the definitions available under the present invention claims is conceptually and applicably different from that disclosed in Shoquist.

The Office Action points to the Taylor text to show that the use of links is known for purchasing activities over a network in regard to claims 3 – 6, 8 – 13, 15 and 18 – 44. The existence of hyperlinks was acknowledged in the response to the Office Action dated May 6, 2002. However, since the claims now include the novel and non-obvious feature of defining seller and buyer criteria by the opposite party, these claims are believed to be patentable.

The Office Action refers to the Ginsburg disclosure as showing that a single click on a hyperlink was known. However, each claim 7, 14, 16 and 17 also include the limitations of their base claims and intervening claims, and as such are believed to be allowable as discussed above.

A marked-up copy of amended claims 1 – 3, 10, 15 – 18, 20 – 27, 29 – 31, 37, 38, 32, 42 and 44, showing the changes, is appended hereto.

In view of the foregoing amendment and remarks, it is respectfully submitted that all claims pending are allowable. Therefore, reconsideration and allowance are respectfully requested.

Respectfully submitted,

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Enclosures: RCE with Check
                Confirmation of Non-Assignment
                Supplemental Declaration
                Drawing sheets 1 - 9

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MARKED-UP VERSION OF AMENDED CLAIMS 1 – 3, 10, 15 – 17, 20 – 27, 29 – 31, 37, 38, 32, 42 and 44, SHOWING CHANGES THERETO

1. (Amended) A system for engaging in commercial transactions, comprising:

    filter means for accepting filter conditions from buyers and sellers;

    a plurality of buyers **conforming to a seller defined class of buyers** for communicating RFQs to said filter means;

    a plurality of sellers **conforming to a buyer defined class of sellers** for communicating quotes to said filter means in response to **a specific RFQ of** said RFQs, said filter means including means for determining, based upon said filter conditions, which sellers should receive RFQs from a buyer and **to** which [quotes] **RFQs** should [be received by the buyer] **the sellers respond.**

2. (Amended) A method of utilizing a data network for advertising and selling items [for sale by a seller] including the steps of:

    communicating, to centralized filter means, from a plurality of sellers, [sale] information indicating items offered for sale to at least one class of buyers to receive [sale] **the** information;

    communicating, to the centralized filter means, from a potential buyer, a category of item in which said buyer is interested **and a defined class of sellers to receive the information** ;

    using said centralized filter means to match buyer and seller **classes** [supplied information; and]

    communicating the information from said class of buyers to said defined class of sellers; and

    communicating an offer for sale from **at least one of** said seller**s** for at least one item in said category of items indicated, to a buyer if said buyer is within said class and said items are within said category.

3. (Amended) A method for effectuating a purchase between a buyer **conforming to a seller defined class of buyers** and a seller **selected from a plurality of sellers conforming to a buyer defined class of**

sellers over a computer communications network, comprising the steps of:

> providing over said network a [hypertext link containing] page including information of **each of a plurality of** seller's offer**s** and at least one hypertext link for said buyer to make a response;
>
> displaying said [hypertext link containing] page to said buyer; and
>
> sending a purchase request by said buyer **to said seller** by clicking on said hypertext link.

10. (Amended) The method of claim 9 wherein said server is remotely **located and** accessible by said seller through said network.

15. (Amended) The method of claim 3 wherein said [hypertext link containing] page includes at least one hypertext link for further showing said information of said offer.

16. (Amended)The method of claim 3 wherein said [hypertext link containing] page is provided by said seller directly to said buyer.

17. (Amended) The method of claim 3 wherein said [hypertext link containing] page is provided by a central processing unit remotely accessible by said buyer and said seller through said communications network.

20. (Amended) A method of effectuating a purchase between a buyer and a seller over a **computer** communications network, comprising the steps of:

> **defining a class of buyers;**
>
> **defining a class of sellers;**
>
> providing credit information of said buyer to a [server] **seller**;
>
> providing over said **computer communications** network, from [said] **one or more** seller**s** to said buyer, a [hypertext link containing] page including information of [a] **each** seller's offer and at least one hypertext link for said buyer to make a response;
>
> displaying **each** said hypertext link containing page to said buyer;
>
> **selecting one of said one or more sellers;**

sending a purchase request by said buyer **to the selected seller** by clicking on said hypertext link; and

fulfilling said purchase [upon receipt of said purchase] request from said buyer.

21. (Amended) The method of claim 20 wherein said server is maintained by a central processing unit remotely **located and** accessible by said buyer and said [server] **seller** through said network.

22. (Amended) The method of claim 21 wherein said step [c)] **of displaying** is carried out by said central processing unit.

23. (Amended) The method of claim 20 wherein said step [c)] **of displaying** is carried out by said seller.

24. (Amended) The method of claim 20 wherein said [hypertext link containing] page is an email message.

25. (Amended) The method of claim 20 wherein said [hypertext link containing] page is a web page.

26. (Amended) The method of claim 20 wherein at **said** step [d)] **of sending** said purchase request is directly sent to said seller.

27. (Amended) The method of claim 21 wherein at **said** step [d)] **of sending** said purchase request is sent to said central processing unit.

29. (Amended) The method of claim 28 wherein said step [e)] **of fulfilling** comprises a step of clearing credit of said buyer directly by said seller.

30. (Amended) The method of claim 21 wherein said step [e)] **of fulfilling** comprises a step of clearing credit of said buyer by said central processing unit.

31. (Amended) A computerized system for effectuating a purchase between a buyer **conforming to a seller defined class of buyers** and a seller **selected from a plurality of potential sellers conforming to a buyer defined class of sellers** over a communications network, comprising:

means for **each of** said **plurality of potential** sellers to provide a [hypertext link containing] page including information of at least one offer and at least one hypertext link for said buyer to make a response;

means for said seller to transmit said **at least one** hypertext link containing page to said buyer;

means for said buyer to receive and display said **at least one** hypertext link containing page; and

means for said buyer to click on **a selected one of** said **at least one** hypertext link to send a purchase request in response to said offer.

37. (Amended) The system of claim 31 wherein said [hypertext link containing] page is an email message.

38. (Amended) The system of claim 31 wherein said [hypertext link containing] page further comprises at least one hypertext link for further showing said information of said quotation offer.

42. (Amended) A method of enabling a buyer **conforming to a seller defined class of buyers** to purchase an item over a communications network from a remote system, the method comprising the steps of:

selecting a hypertext link indicative of a desire to place an electronic purchase order;

in response to said step of selecting, transmitting at least one electronic purchase order to a seller **conforming to a buyer defined class of sellers**; and

in response to said step of transmitting, providing credit information of the buyer maintained at said remote system to complete the purchase of said item.

44. (Amended) A method of purchasing an item over a communications network from a system that facilitates the selling of goods and services comprising the steps of:

defining a class of buyers;

defining a class of sellers;

prestoring credit information of a buyer, and

in response to selection of a hyperlink by a buyer indicating a purchase, matching said prestored information with said buyer to complete said purchase.